

REMARKS

Initially applicant would like to thank Examiner Pickard for granting an interview and for her time spent in the interview.

Claims 12, 13, and 15-24 are pending in the application. Applicant would also like to thank Examiner Pickard for indicating that claims 16-18 and 21-23 are allowable and that claim 24 is allowed. In reliance thereon, claims 21 and 23 are rewritten in independent form.

Claims 12, 13, 15, 19 and 20 are rejected as being anticipated by BUDZICH 4,353,559.

Reconsideration and withdrawal of the rejection are respectfully requested because the reference does not disclose or suggest that there is an initial clearance of substantially greater size than that of pulverulent material entrained in the fluid which enables the pulverulent material to enter the annular passage and build up in layers to form a labyrinthine passage having a width that is substantially smaller than the size of the pulverulent material so that substantially no further pulverulent material can flow through the annular passage and so that flow of fluid through the labyrinthine passage is substantially restricted, as recited in claims 12 and 13 of the present application.

As set forth at the interview, page 11, lines 1-12 of the present application disclose that there is an initial clearance that is large enough to allow suspended material in the air or the fluid contained in the vessel to migrate into the passage where the material is deposited and built up in layers. Over time these layers build up so that the effective width of the passage is reduced. The layers build up to the point that substantially no further pulverulent material can flow through the passage.

As set forth in the interview and as stated in the Declaration submitted with the amendment of April 11, 2003, BUDZICH et al. does not teach the build up of particles in layers. Specifically, column 3, lines 17-30 of BUDZICH et al. disclose the presence of granulated material and do not disclose or suggest that the granulated material builds up in layers.

In any event, the above-noted passage discloses that the presence of granulated material will cause the seal member to wear which enlarges the spacing between rotating members. Such teaching is opposite that which is disclosed in the present invention and is recited in claims 12 and 13. Specifically, the teaching of BUDZICH et al. is that the presence of granulated materials enlarges the space enabling even more material to enter the tortuous pass of the interfacing members, not that substantially no further pulverulent material can flow through

the annular passage and is such that the flow of fluid through the labyrinthine passage is substantially restricted, as recited in claims 12 and 13 of the present application. As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 15, 19 and 20 depend from claim 13 and further define the invention and are also believed patentable over the cited prior art.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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